

REMARKS

In the office action, the priority claim under 35 U.S.C. § 119 is acknowledged.

The office action objects to the drawings as being too dark. In response, a new set of formal drawings is submitted herewith in the accompanying request for approval of drawings changes.

The office action also makes the restriction requirement final. In response, claims 11-18 and 25-31 have been canceled without prejudice.

The office action also rejects claim 8 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for citing substituents in the double bond or alkene form. In response, applicants submit issued U.S. Patent Nos. 6,150,069; 5,962,184; and 6,653,047, all of which cite substituent groups in the double bond form. Curiously, U.S. Patent No. 6,150,069 lists the same primary examiner as the present application. Applicants respectfully submit that the correct monomer for the claimed co-polymer includes the substituent forms expressed in the form of an alkene, not an alkane. Withdrawal of this rejection is respectfully requested.

Turning to the rejections based upon the prior art, the office action rejects claims 1-8 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,403,744 ("Akama"). The office action also rejects claims 1-8, 10, 19, 22 and 24 under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent No. JP 2001-330955 ("Otani"). Finally, the office action rejects claims 20-21 and 23 under 35 U.S.C. § 103 as being unpatentable over Otani.

In response, claims 1-4 have been canceled and claim 5 has been amended to require at least one of the monomer units b or c for Formula 3 and amended claim 5 also requires the monomer unit b of Formula 2 to be present. Support for these amendments appears beginning on page 5, line 30 through page 8 and also in the examples beginning on page 12.

With respect to the Akama reference, the Patent Office admits that a Akama does not teach or suggest the polymers of Formulas 2 or 3 were in either b as present (Formula 2) or when one of b or c is present (Formula 3). Accordingly, applicants respectfully submit that the anticipation rejection of the 35 U.S.C. § 102(e) using Akama has been traversed.

With respect to the anticipation rejection based upon Otani, applicants again respectfully submit that Otani does not teach or suggest a polymer of either Formula 2 or 3 wherein b is present (Formula 2) or wherein one of b or c is present (Formula 3). With monomer units b and c no longer both equaling 0 in Formula 3 and b no longer being 0 in Formula 2, applicants respectfully submit that the anticipation rejection based upon Otani has been traversed. Amended claim 5 now requires monomer unit b of Formula 2 to be present and therefore claim 5 as amended with respect to Formula 2 is no longer anticipated or rendered obvious by Otani. Further, Otani does not teach or suggest Formula 3 wherein one of b or c is present and therefore claim 5 as amended with respect to Formula 3 is no longer anticipated or rendered obvious by Otani. Accordingly, in view of the amendments to claim 5, applicants respectfully submit that the anticipation rejection based upon Otani is improper and should be withdrawn.

Finally, with respect to the obviousness rejection of dependent claims 20-22 and 23, in view of Otani, applicants respectfully submit that this rejection is also been traversed. Otani does not teach or suggest a polymer that comprises either Formula 2 wherein monomer unit b is present or Formula 3 wherein one of monomer unit b or c is present. Otani does not teach or suggest these structures and is clearly irrelevant to claim 5 as presently amended. Because claim 5 is allowable, applicants respectfully submit that dependent claims 20-21 and 23 are allowable as well.

In view of the foregoing amendments, applicants respectfully submit that this application is now in a condition for allowance and an early action so indicated is respectfully requested.

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Respectfully submitted,

By 

Michael R. Hull

Registration No.: 35,902

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicants